

# **EXHIBIT E**

**Chapa, Justin R.**

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**From:** Andrew Stephens <andrew@hackerstephens.com>  
**Sent:** Tuesday, August 30, 2022 9:11 PM  
**To:** Ashby, Danny S.; Chapa, Justin R.; Bittner, Tyler C.; Godesky, Leah; Margolis, Craig D.; Lollar, Tirzah; Hussain, Murad S.; Odell, Christopher M.; Raymond Winter; Amy Hilton; Santella, Amanda M.; Drew Wright; Sindy Chandy; Rhonda Rodriguez; Ana Aranda; Janice Garrett; Jennifer Rowell; Michael Moore; Martin, Meghan C.; Carrie Killion  
**Cc:** Heather Hacker  
**Subject:** RE: US ex rel Doe v. Planned Parenthood

[EXTERNAL MESSAGE]

Danny,

We have reviewed the documents produced by PPFA in volumes PPFA004 and PPFA005. This email serves as our written objection and request under Paragraph 7 of the Protective Order that PPFA change the designations of the following documents marked "Confidential" and/or "Attorneys Eyes Only":

PPFA004

PPFA00005337  
PPFA00005342  
PPFA00005346  
PPFA00005398  
PPFA00005450  
PPFA00005451  
PPFA00005480  
PPFA00005481  
PPFA00005484  
PPFA00005536  
PPFA00005540  
PPFA00005546  
PPFA00005547  
PPFA00005599  
PPFA00005603  
PPFA00005613  
PPFA00005621  
PPFA00005627  
PPFA00005628  
PPFA00005637  
PPFA00005643

PPFA005

PPFA00005647  
PPFA00005711  
PPFA00005802  
PPFA00005881  
PPFA00005922

PPFA00005986  
PPFA00006041  
PPFA00006106  
PPFA00006182  
PPFA00006228  
PPFA00006273  
PPFA00006309  
PPFA00006360  
PPFA00006361  
PPFA00006412  
PPFA00006413  
PPFA00006414  
PPFA00006515  
PPFA00006611  
PPFA00006654  
PPFA00006656  
PPFA00006713  
PPFA00006718  
PPFA00006719  
PPFA00006720  
PPFA00006721  
PPFA00006722  
PPFA00006735  
PPFA00006743  
PPFA00006747  
PPFA00006752  
PPFA00006753  
PPFA00006756

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**From:** Ashby, Danny S. <dashby@omm.com>

**Sent:** Tuesday, August 30, 2022 11:39 AM

**To:** Andrew Stephens <andrew@hackerstephens.com>; Chapa, Justin R. <jchapa@omm.com>; Bittner, Tyler C. <tbittner@omm.com>; Godesky, Leah <lgodesky@omm.com>; Margolis, Craig D. <Craig.Margolis@arnoldporter.com>; Lollar, Tirzah <Tirzah.Lollar@arnoldporter.com>; Hussain, Murad S. <Murad.Hussain@arnoldporter.com>; Odell, Christopher M. <Christopher.Odell@arnoldporter.com>; Raymond Winter <Raymond.Winter@oag.texas.gov>; Amy Hilton <Amy.Hilton@oag.texas.gov>; Santella, Amanda M. <asantella@omm.com>

**Cc:** Heather Hacker <heather@hackerstephens.com>

**Subject:** RE: US ex rel Doe v. Planned Parenthood

Thanks, Andrew. We can this dial in:

**Dial In: 1-866-285-2458**

**Passcode: 972 360 1904**

Talk to you at 3 CT.

Danny

Danny S. Ashby  
O: +1-972-360-1904  
M: +1-214-577-9886  
[dashby@omm.com](mailto:dashby@omm.com)

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**From:** Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>  
**Sent:** Tuesday, August 30, 2022 11:25 AM  
**To:** Ashby, Danny S. <[dashby@omm.com](mailto:dashby@omm.com)>; Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Raymond Winter <[Raymond.Winter@oag.texas.gov](mailto:Raymond.Winter@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>  
**Cc:** Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>  
**Subject:** Re: US ex rel Doe v. Planned Parenthood

[EXTERNAL MESSAGE]

3pm works

**Andrew B. Stephens**

Partner

Hacker Stephens LLP

[www.hackerstephens.com](http://www.hackerstephens.com)

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**From:** Ashby, Danny S. <[dashby@omm.com](mailto:dashby@omm.com)>  
**Sent:** Tuesday, August 30, 2022 11:14 AM  
**To:** Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Raymond Winter <[Raymond.Winter@oag.texas.gov](mailto:Raymond.Winter@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>  
**Cc:** Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>  
**Subject:** RE: US ex rel Doe v. Planned Parenthood

Hi Andrew -

Do you have time this afternoon -- any time at or after 3 CT -- to meet and confer on the protective order designations you raised below? Thanks.

Danny

Danny S. Ashby  
O: +1-972-360-1904  
M: +1-214-577-9886  
[dashby@omm.com](mailto:dashby@omm.com)

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**From:** Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>  
**Sent:** Thursday, August 18, 2022 11:54 AM  
**To:** Ashby, Danny S. <[ashby@omm.com](mailto:ashby@omm.com)>; Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Raymond Winter <[Raymond.Winter@oag.texas.gov](mailto:Raymond.Winter@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>  
**Cc:** Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>  
**Subject:** RE: US ex rel Doe v. Planned Parenthood

[EXTERNAL MESSAGE]

Danny,

Our objection is to every document you have designated as confidential or AEO other than those that contain protected health information or personal identifying information listed in example (1)-(6) in Paragraph 2 of the Protective order. If you can provide us with the basis for your designations of documents not containing those items, we may be able to withdraw our objections to some of the documents. Let us know when you want to meet and confer.

Andrew

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**From:** Ashby, Danny S. <[ashby@omm.com](mailto:ashby@omm.com)>  
**Sent:** Wednesday, August 17, 2022 4:30 PM  
**To:** Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>; Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Raymond Winter <[Raymond.Winter@oag.texas.gov](mailto:Raymond.Winter@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>  
**Cc:** Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>  
**Subject:** RE: US ex rel Doe v. Planned Parenthood

Hi Andrew -

I'm afraid I'm not following your objection. The "Confidential" designation in the protective order includes other information beyond "protected health information," and the "Attorneys Eyes Only" designation extends to other information beyond the personally identifying information listed in examples 1-6 of Paragraph 2 of the Protective Order. Also, we did not use those designations in a purely prophylactic manner, as you suggest, so if there are specific documents that you believe are

Case 2:21-cv-00022-Z Document 157-6 Filed 08/31/22 Page 6 of 6 PageID 3575  
mismarked, we would ask that you please identify those (or at least provide some examples as a starting point) so we can address any concerns. Thanks.

Danny

Danny S. Ashby  
O: +1-972-360-1904  
M: +1-214-577-9886  
[dasbhy@omm.com](mailto:dasbhy@omm.com)

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**From:** Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>  
**Sent:** Wednesday, August 17, 2022 1:37 PM  
**To:** Ashby, Danny S. <[dasbhy@omm.com](mailto:dasbhy@omm.com)>; Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Raymond Winter <[Raymond.Winter@oag.texas.gov](mailto:Raymond.Winter@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>  
**Cc:** Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>  
**Subject:** US ex rel Doe v. Planned Parenthood

[EXTERNAL MESSAGE]

Danny,

We have reviewed PPFA's document productions and this email serves as our written objection and request under Paragraph 7 of the Protective Order that you change the designations of (1) all documents marked "Confidential" that do not contain "protected health information" as defined by Paragraph 2 of the Protective Order and (2) all documents marked "Attorney Eyes Only" that do not contain Personal Identification Information listed in examples 1-6 of Paragraph 2 of the Protective Order.

In addition, it appears that almost every non-public document that PPFA produced is designated either "Confidential" or "Attorney Eyes Only," with a significant majority being designated "Attorney Eyes Only." Thus, it appears that you have "used such designations in a purely prophylactic manner," which violates Paragraph 8 of the Protective Order.

We are available to meet and confer on this issue pursuant to Paragraph 7 of the Protective Order.

Andrew

**Andrew B. Stephens**  
Partner

**HACKERSTEPHENS** LLP  
[www.hackerstephens.com](http://www.hackerstephens.com)

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